#### TOPICS IN CALIFORNIA.

THE DEATH OF FRANK PIXLEY-FRUIT GOING TO WASTE-THE DURRANT

TRIAL-THEATRICAL

[BY TELEGRAPH TO THE TRIPUNE.] San Francisco, Aug. 17.-The death of Frank Pixley was not unexpected, as he had been failing for over a year. His death, however, revived many incidents of his brilliant and erratic career as editor, lawyer and politician. As a writer he was at his best, and it is not too high praise to place him at the head of all editorial writers who have done work on this coast. His style was so attractive that when it was known that he was to be the chief writer on "The Argonaut," people bought the paper to see what he had to say. He had cultivated the art of making enemies to perfection, and while he was alive none of them attacked him without getting a reply that was vitriolic or contemptuous, according to his mood. Forty years ago Pixley built a house in the middle of a whole city block out in Union-st., under the shelter of Presidio Reservation Hill. He fancled that the city would grow out that way because of the beautiful view; but it moved in a directly opposite course. Had he improved the same amount of land near Golden Gate Park, it would have made him a far richer man.

The waste of good fruit here this year, owing to the glut in the market, has been large, but the climax was reached one day this week when 500 crates of the finest cantaloupes from the Sacramento Valley were dumped into the Bay because they could not be sold for ten cents a crate of thirty large melons. Freight on river steamers is only eighteen cents a crate, which probably encourages excessive shipping. Yet prices at retail stands are maintained at twenty-five cents for a good muskmelon, and even the pedlers will not sell for less than ten cents. Hence the poor of this city get less fruit than the tenement-house dwellers of New-York, because no smaller coin than the nickel is current here, and a nickel will not buy as much fruit here as it will in New-York, though the supply is so great. The Harbor Commissioners propose to stop the waste of good fruit by opening a great free market on the wharf, where producers may sell their fruit without paying commissions to middlemen. The scheme will do much to reduce the high prices of fruit and to prevent present criminal waste.

The discovery of a witness who will testify that she saw young Durrant go into Emanuel Church with Blanche Lamont on the afternoon of the girl's disappearance is the most sensational feature in the case since the finding of the dead girl's body in the church belfry. This testimony furnishes the only missing link in the chain of evidence connecting the medical student with the crime. If it is not impeached, it should convict and hang Durrant. The woman who will give this damaging testi.nony lived opposite the church and knew both Durrant and the girl well, so that there could be no mistake as to their identity. Public interest in the trial has not weakened. Great crowds block the entrance to the courtroom daily to catch a glimpse of the repulsive face of the prisoner.

There has been more life in the mining stock market in the last ten days than for ten months before. This has been due to the Hale and Norcross decision, which was a practical judgment in favor of Martin Fox, who has carried on a suit against the officers for five years for an accounting of profits. Another sign of new methods on the Comstock is the action of the Consolidated California and Virginia directors in deciding to investigate Superintendent Lyman, who is charged with manipulating reports in order to affect quotations of the stock, in which he was

The production of "Twelfth Night" at the Columbia Theatre this week, with Rose Coghlan as Viola, Barrymore as the Duke, and Dixey as Malvolio, was a curious performance, in which the three leading actors did not seem to be in touch with themselves or with Shakespeare. Barrymore was judged by all the critics to be the most ineffective of the three. Rose Coghlan played with little spirit and dash, and she was entirely too stout to look the part. Dixey's acting was warmly commended for its artistic quality, but it was superficial and wanting in genuine Shakespearian flavor. Next week at the Baldwin John Drew opens in "The Bauble Shop." Ohio Legal News," in which the unsuccessful party He is so great a favorite that success for his season is assured.

Among the prominent arrivals of the week are John W. Mackay, who makes his first visit here since he was dangerously wounded by the old stock gambler Rippey four years ago, and D. O. Mills and Ogden Mills, who are on a short trip of business and pleasure. Mr. Mills expresses satis-faction at the evidences of San Francisco's growth since his last visit.

The architect's drawing of the new Spreckels building at the southwest corner of Third and Market sts. shows that it will be fourteen storles, with a frontage of seventy-five feet in each street. The three lower storles will be of granite and the others of white marble. "The Morning Cail" will occupy the twelfth and thirteenth floors, and on the top floor will be a fine restaurant, with windows commanding a view of the harbor and the foothills. The defect of the building is its great height, compared with the size of its base, which will be aggravated by the fact that only two-story structures are on either side of it. The architect's drawing of the new Spreckels

Tourists who come to San Francisco next year Tourists who come to San Francisco next year will find a new attraction in the scenic railway which will run to the summit of Mount Tamalpais, which commands a fine view of this city and the surrounding country for over fifty miles. The mountain is now difficult to climb, but the railroad, which will be built on the system of the Pike's Peak railway, will make the trip enjoy-able. On the summit will be large picnic grounds nd a small hotel.

The rapid development of California appears to The rapid development of California appears to have a great fascination for the people who deal in what is known as the paid "write-up." Recently a New-York daily newspaper sent a man out here to get a contract for a \$150,000 "write-up" of this city and State. He seemed to be amazed that Californians couldn't see any value in such work. He was followed shortly after by the representative of an illustrated weekly, whose expectations were far more modest. This realers after advertisements was also sent back. seeker after advertisements was also sent back disappointed. It may not be out of place to sug-gest that California is not a gold mine for news-papers to exploit at a dollar a line.

AN INDEPENDENT THEATRE SCHEME.

ANOTHER PLAN TO BE PUT TO THE TEST WITHIN A SHORT TIME.

A new announcement is made of that chronic dream of the theatrical dreamer, an independent theatre. This time it is asserted that the money has been subscribed by persons who are interested in high-class dramatic art, and that New-York will soon have a theatre that will not be dependent on its box-office receipts, its support being provided for by subscribers, something after the manner of the Metropolitan Opera House.

At the outset it is not the purpose to build a play house. A theatre will be rented and it is promised that only the best works of art that can be obtained shall be produced. Edward Vroom, a young actor, who received his training with Edwin Booth and Lawrence Barrett, is the visible head of this

and Lawrence Barrett, is the visible head of this enterprise. François Coppee's "For the Crown" is announced as the opening attraction, and M. Coppee is expected soon to arrive in New-York to be present at the first performance.

The notion that an independent theatre is wanted in New-York is far from new. Mr. Vroom believes that he has received sufficient encouragement to warrant him in making the experiment. He promises a strong stock company, and trusts to find support for the carrying out of his plans. If everything goes well he hopes to have complete control of a theatre in the course of the next two or three seasons.

## EARLY FALL IMPORTATIONS.

The products of the European looms for early fall trade are making their appearance in this city, and already, at B. Altman & Co.'s establishment, in Sixth-ave., are established striking novelties in dress frabrics and in the colors that will be en regle for early fall wear. The more promi-nent novelties are caniche, peluche, tricotine, friese, mohair bourettes, imprimé zibelines and new weaves in crepon. In women's neckwear a de-cidedly taking novelty is the ostrich feather short boa, having animal heads and birds at the fasten-ing. This boa is a departure from former articles of neckwear, and is made in white, black and mottled colors.

# FROM BENCH AND BAR.

GATHERED AMONG LAWYERS AND IN THE COURTS.

The movement to secure, if possible, the appoint ment of a New-York judge or lawyer as the cessor of Justice Jackson in the United States Sucessor of Justice Jackson in the United States Su-preme Court has been heartily approved without regard to the political belief of those who have dis-cussed the question. Lawyers, not only in New-York City, but in other parts of the State, have been mentioned who could worthily fill the place on the Supreme Court bench. The Second Cirbeen mentioned who could worthily fill the place on the Supreme Court bench. The Second Circuit is now without a representative, and strong influences will be brought to bear to induce President Cleveland to name a New-York man for the vacancy. If the appointment were not limited to a Democrat, it would be still easier to name desirable candidates, as many of the prominent lawyers of the city are Republicans. There is plenty of excellent material in either party, but only those have been urged upon the attention of the President who are known to be politically acceptable. The selection of some one of these names will be a popular act and a just recognition of the greatness of New-York State and the importance of the litigation which arises here.

The Law Institute Library, which is used by many downtown lawyers, both to consult authorities and to draw out books for use at their offices, will be closed for two weeks beginning to-morfow. One hour of each day, between 10 and 11 o'clock in the morn ing, will be allowed to members who wish to draw out from or to return books to the library. The two weeks closing is necessary in order that the books may be dusted and rearranged on the shelves and the library put in good condition for the busier months of the court year. Several improvements have taken place in the library within the last have taken place in the library within the last few months, and although a sufficient amount of few months, and although a sufficient amount of room is not allowed by the United States authorities for the proper display of the books and for the use of those who wish to consult them, the present arrangements are more satisfactory than those of other years. ing, will be allowed to members who wish to draw

The tributes to Associate Justice Jackson, of the Supreme Court, which have appeared in many law journals, show a high appreciation of his qualities, though he had not served long enough on the bench though he had not served long enough on the bench to impress himself strongly upon the history of the court. He wrote few opinions in important cases. His action in the Income Tax cases, though taken at a great sacrifice to his health, was of little avail, since he was one of the minority judges. His record in the memories of lawyers rests principally upon that which is known of him as a United States Circuit Court Judge and on a few opinions rendered in the first year of his service on the Supreme Court bench.

Pennsylvania juries sometimes render queer verlicts, and the Supreme Court of the State has recently had occasion to set aside a strange finding of a Northampton County jury. A dealer in fruit and vegetables wrote to a grape-grower asking him to ship 1,000 baskets of Concord grapes, and and vegetables wrote to a grape-grower asking him to ship 1,000 baskets of Concord grapes, and afterward ordered other shipments. He did not pay for the grapes, and instead of being made the defendant in a civil suit he was indicted under a law which makes it a crime for a consignee or factor having the possession of merchanilise to dispose of it with fraudulent intent and apply the money to his own use. The fruit-dealer received grapes frequently on consignment, and he also at times hough them and sold them for himself. In his first order to the fruit-grower he said that he would handle all the grapes shipped to him on commission or would buy them outright. The goods were sent without any statement as to price or any direction as to the method in which they were to be sold. The dealer afterward declared that he bought them outright, while the grower said that they were shipped on consignment. The Supreme Court says that the letters show that the business was conducted with almost incredible looseness on both sides. The seller did not know what he was to get for his goods, as the cost, according to the theory which he advanced, was selling goods without knowing what they had cost him or whether he was making a profit or a loss. The Court said that neither version was consistent with the ordinary principles of business care and prudence, but the judges could see no proof that thee had been any fraudulent misappropriation of the fruit by any one to whom it was intrusted as a consignee.

A peculiar will has recently been before the courts of Columbus, Ohio, in probate proceedings. Hugh Blakely owned a house and lot in Goodale-st. He left it by his will for his daughter Margaret to and occupy so long as she remained unmarried Louisa, Robert, Willie and Samuel, other children, in the order named. As each married the next in in the order named. As each married the next in succession was to receive the property, taking care of the young children of the family. When all the children had married, the property was to pass to each in turn of the seven children, including the older ones, who had probably married before the will was made. Each son or daughter is to have control of the property for five years and then pass it on to the next in succession. If any one falled to take possession within thirty days after notice, he or she was deprived of the right of occupancy for one term and must wait his next turn. The last possessor was to become the owner of the property. Provision was made for the forfeiture of possession in case any heir refused to allow arbitrators to decide disputed questions as to the occupancy of the house.

An Ohlo Circuit Court recently considered a case a litigation tried to secure a new trial because of the incompetency and misconduct of a juror. was alleged that one of the jurors was deaf. He went through the trial of the case, which was con went through the trial of the case, which was considered by the Circuit Court, without discovery by any one that he had any imperfection of hearing. He was afterward called in another case, and it was then found that he was unable to hear, or could hear imperfectly. The Circuit Court refused to order a new trial of the case on the ground that the lawyers should have made inquiry if they desired to learn the qualifications of the juror. It would have been easy to find out by a few questions whether the juror was competent. The trial judge, after his attention was called to the matter, made some inquiries and was satisfied that the juror could at least hear to some extent, and he might have been able to understand the evidence, On the same trial a juror who was examining the machine at which the accident occured over which suit arose, made a remark to one of the other jurors, saying: "Any one that put his hand in there ought to be hurt." Other testimony made it doubtful whether the juror had made exactly that statement, and the whole matter was so indefinite that the Circuit Court refused to interfere, and the trial in which such difficulties were developed was not valueless, as the verdict was sustained.

An Illinois Appellate Court recently set aside a judgment obtained on a promissory note given by a minor. The note contained a power of attorney to confess judgment, and it was argued that upon the authority of this power a judgment might properly be entered. It was shown that the boy properly be entered. It was shown that the boy bought a horse and there was some evidence that the animal was diseased and of little or no value. He, however, gave a promissory note in payment for it, but afterward traded away the animal. The Appellate Court decided that the judgment could not be sustained, though if he had the horse in his possession he might have been required to return it to the original owner before he could obtain relief from the obligation of the note.

The long vacation of the English court began on Tuesday of last week. It will last until October 24. Many English lawyers think that even this vacation of ten weeks is too long. The New-York vacation stretches over three months. The number of Judges sitting through the vacation to hear motions and similar applications in England is much smaller than in New-York City. One Judge sits in open court on one day of the week to hear chancery mocourt on one day of the week to hear chancery motions and another court is open on Tuesdays, Thursdays and Fridays. Applications and motions can thus be made only four days of the week, and only one Judge is in attendance instead of three or four, as in this city. The number of judges required in the courts in this country seems remarkably large when compared with the number of English judges having jurisdiction in a country so rich and populous. The amount of litigation in this country is excessive, but the low cost at which lawyers may be employed is partly responsible for the number of cases before the courts. In England it is necessary to engage a solicitor, and he then employs a barrister, and the expense of conducting a case in one of the higher courts is so great as to prohibit poor persons from becoming sultors.

A new law has gone into effect in France pro viding for the revision of unjust sentences in the criminal courts. The grounds on which a conviction may be set aside are few, but the law enables the courts to act in many cases in which application is now made to the pardoning power for the correction of injustice. A revision of the sentence can be obtained if it is shown that the supposed victim of a murder is still alive; if another person is found guilty of the crime for which the prisoner has been sentenced; if one of the witnesses in a criminal case is convicted of perjury—and it is provided that on the new trial of such a case the perjured witness may not again be called to testify—or if new facts are brought to light or documents are discovered which were unknown during the trial. An interesting part of the new law is that providing that a demand for damages may be made by the prisoner who has been unjustly sentenced. The State is responsible for the payment of the sum awarded, but it may be collected if possible from the accuser or false witnesses. If an innocent person who has been convicted dies before his innocence can be established, the next of kin may maintain the suit for damages, and other relatives may do the same on proof that they have personally suffered by the miscarriage of justice. The result of the new trial, if it shows the innocence of a convicted person, will be published in the place where the revision takes place, in the place where the supposed crime was committed, in the place where the convicted man resides, and, if he is dead, in the place where he last lived. The law is one of the most comprehensive and theoretically just of the statutes providing for cases of mistaken conviction. The State apparently does all in its power to place the unfortunate man in as good a condition as he had been before the unjust judgment was pronounced.

### THEATRES AWAKENING.

PROMISES OF MANY PRODUCTIONS NOT FAR OFF.

Two more theatres open to-morrow night and within the next few weeks there will be more and more. If the weather continues in its mad career some of

If the weather continues in its mad career some of the managers are likely to wish that they had kept their theatres shut, but if they will take chances, they must expect to take consequences also. Souvenir performances are not common in the sum-mer season, and at this period of theatrical stagna-tion the record of "Trilby" at the Garden Theatre is the more remarkable. The 150th performance on Friday will be marked by the presentation of souve-nirs, especially selected by Mr. Palmer, as attractive and lasting mementos of the career of this drama. There will be no change in the cast for some weeks

"Dorothy" is drawing large and enthusiastic audiences to the Standard Theatre. The cast, the chorus and the picturesque settings all lend a charm to the production. "Dorothy" will probably go on until September. It has been decided that the organization as it stands, with one or two exceptions, shall become a permanent one. It will begin a tour of the large cities in October. The repertory will include "Dorothy." "The Red Hussar" and "Doris." Alfred Collier's latest work, which has had a long run in London at the Lyric Theatre. This opera will have its first production in this country early in the season, probably at the Hollis Street

Theatre, in Boston. At the Terrace Garden on Monday and Tuesday evenings Suppe's clever operetta "Fatinitza," will be produced. On Wednesday evening a special perbe produced. On Wednesday evening a special per-formance of "The Gypsy Baron" will be given, to celebrate the final appearance in this country for the season of Moritz Sternau. The chief feature of the week will be the first production in this country of "Der Alte Dessauer," the libretto of which is-accredited to Max Henschel and the score to Otto Findeisen. The latter is the conductor of the Conded-Ferenczy Company.

For the opening of his autumn season Mr. Pastor has engaged some of the best talent on the vaudes has engaged some of the best talent on the vaude-ville stage. The theatre will open to-morrow after-noon, Mr. Pastor having decided to give four mati-ness, instead of two, a week hereafter. The famous Russell Brothers will appear in a new version of "The Irish Servant Girls"; William H. Fox will play the plano; Whiting and Shepard will sing some new selections and perform on various muchs. selections and perform on various musical instru ments; Miss Lottle West Symunds, the Irish character singer, will be heard here for the first time in a number of years; John and Nellie McCarthy will giv) some new parodies on the popular songs of the day; Fisher and Crowell, in songs and dances; the Travelles, in shadowgraphs; Harry and Dollie Russell, and Layman will make up the rest of the pro-

gramme.
"Kismet," Richard Carroll and Gustave Kerker's
musical tale of two tangled Turks, enters upon a
second week at the Herald Square Theatre to-morsecond week at the Heraid Square Interest Solution row night. Mr. Carroll himself appears to be winning an abundance of favor with his newest part. His "Haldeez" is accepted as his richest essay in a creditable list of comic achievements. "Kismet" is prettily staged, and presents pleasing feasts of form, movement and color.

Another series of 'iving statues will be given at the American Roof Garden to-morrow evening. They are all new and the setting and background will also be new. Another feature of the programme will be Thompson and Collins, Healey and Morrisey, Harris and Fields, Miss Madge Ellis, in new songs; Lloyd and Lane, who sing and dance; Edgar Ely. Nellie Seymour, serio-comic; Belle Fullerton, Spanish dancer; Charles Allen, parody singer, and Mile.

The theatrical season will open in Harlem on Saturday night, when Oscar Hammerstein will open his Columbus Thea're with "A Ride for Life." This play is new to Harlem. It is a melodrama in four acts by Walter Fessler.

The managers of the roof gardens of the city are trying to make the most of what is left of the hot weather, Mr. Sanger, of the Madison Square Roof resort shall be made exceptionally attractive. To that end he has engaged for this week the following artists: Miss Lottle Gilson, Haines and Pettin-gill, Fritz Young and Miss Sells, Brooks, Denton

Musee had so prosperous a summer season. Every day there are visitors from far and wide. The enterprise which the management has shown has had figures are constantly added, and they are always of an attractive character. The new woman, the Salvation Army lassie, and the electrical execution chamber are the principal recent additions, while the ones now under preparation will include some mechanical figures. The afternoon and evening oncerts by Danko Gabor's Gypsy Orchestra are highly interesting. New selections of his own gypsy music will be played during the coming week.

Proctor's defies the disheartening dog-days, and some of the bright stars of vaudeville are combined in Monday's continuous show. Maggie Cline, the lyric and dramatic illustrator of the great McCloskey's victory, will appear in the continuous vaude-ville, a form of entertainment which she has not hitherto dignified with her personal presence. Clara Beckwith will submerge herself in a big tank, and eat, drink, read, and lead an ideal summer existence. Sam Collins and Vente Henshaw will be on hand. The Le Moyne brothers will offer acrobatics, and sketches will be performed by Carr and Jordan, Daily and Devere, and Shayne and Worden. Lillian Green will hold over. Maud Harvey and Zelma Pawiston will appear, together with the Killingbecks, club jugglers and dancers; Husted and Guyer; Sparrow, the clown juggler, and the lady or-

chestra. There is a special programme for the conert to-day, continuous from 2:30 to 11 p. m. The entertainment arranged for Koster & Bial's roof garden this week will introduce a programme which is made up almost entirely of new features. Imro Fox will offer new mystery and sleight-of-hand; Lizzle B. Raymond will present a budget of her Irish comicalities; Odell and Page appear in an acrobatic act entitled "Silence and Fun"; John and Harry Dillon will give songs and parodies; the Mc-Nulty Sisters will appear in songs and dances, and John and Nellie Healy in a plantation sketch. Other features will be the reappearance of the three Haw-thorne Sisters, who will offer some new songs; the eappearance of Kokin, Japanese juggler, and the last performances of Marietta and Belloni, with their flock of performing cockatoos. The retained features include Conroy and Fox, Clairesse Agnew. J. W. Ransone and Dr. Leo Sommer's Hungarian

Gypsy Orchestra. E. H. Sothern's season at the Lyceum Theatre will begin on Wednesday, September 4, with the pro-duction of "The Prisoner of Zenda." The completed cast is as follows: Morten Selten, Rowland Buckstone, Arthur Lawrence, Howard Gould, C. P. Flockton, Samuel Sothern, Daniel Jarrett, Henry Talbot, W. L. Branscombe, W. B. Woodall, Charles Arthur, Rowdon Erlynne, J. J. Collins, T. J. Murphy, Miss Grace Kimball, Miss Marie D. Shotwell, Mrs. Kate Pattison-Selten, Miss Bertha Bartlett, Miss Dibden and Miss Drew. Mr. Sothern will enact Rudolf, Rassendyll and King Rudolf V.

Willard Spencer is superintending the rehearsals of "Princess Bonnie," which will be the opening attraction of the Broadway Theatre on September 2. The cast will be:

2. The cast will be.
Princess Bonnie. Miss Hilda Clark
Kitty Clover Miss Jennie Goldthwaite
Annie Crabb Miss Isabelle Sterling
Shrimp Will Armstrong
Roy Sterling Will Armstrong
Admiral Pomposs Joseph Greenfelder
Captain Tarpaulin George O'Donnell
Tarpaulin Richard Quitter

Augustus Pitou has removed his offices to the Grand Opera House and is actively preparing for the opening of the season on Saturday evening, August 31. Many changes and improvements have been made in the Grand Opera House, both before and behind the curtain. The greenroom has been refurnished and redecorated, and all of the dressing-rooms have gone through a like process. There will be a new drop curtain and an entirely new stock of scenery, painted by John Young, and carpets and new decorations in the auditorium.

Alexander Salvini and his manager, W. M. Wil-

kison, have just returned from Europe. His season, which begins about September 2, will probably include a six weeks' tour of Mexico. repertory will include "Hamlet," "The Three Guardsmen," "Ruy Blas," "Don Caesar de Bazan" and probably "Othello."

Richard Mansfield says that he shall not appear this season in "Brummel," "A Parisian Romance,"
"Prince Karl" or in fact any of his old repertory. "The Son of Don Juan," "The House of the Wolf" and "A Society Highwayman" are new pieces he is to produce. Joseph and E. M. Holland are rehearsing daily at the Garrick Theatre under the direction of Mr. Mansfield in "A Man with a Past," by the Paultons.

"Hansel and Gretel," Humperdinck's fairy opera, which will soon be heard at Daly's Theatre, will be under the management of Mr. Daly on its American tour, by arrangement with Sir Augustus Har-

be under the management of Mr. Daly on its Amerlican tour, by arrangement with Sir Augustus Harris. The cast will be made up in England and will be headed by the two principals of the original London company. The orchestra will number fifty musicians, conducted by Anton Seidl.

Charles Wayne has been engaged for the Lillian Russell Opera Company and will play the part in "The Tzigane" formerly played by Mr. De Angells. Edwin Hoff will replace Hubert Wilke in the cast.

Proctor's Pleasure Palace, on the south side of Fifty-eighth-st. between Lexington and Third aves, is receiving its finishing touches. The interior decorations are almost complete. The auditorium and German café will be ready for the opening at noon on Labor Day. Vaudeville of the highest class from noon to midnight will be Mr. Proctor's policy, although he contemplates the early introduction of new features of entertainment in which bailet and burlesque may figure. The scale of prices adapts liself to almost any pocket. There will be boxes and a limited number of orchestra seats for those who wish to pay the prices prevailing in all high-class city theatres, and the scale diminishes gradually until it meets the requirements of the most economically disposed.

Robert Hilliard's dramatization of Richard Harding Davis's "Her First Appearance" is to be given as a curtain-raiser with "Lost, Twenty-four Hours," at every performance of Mr. Hilliard's company in the engagement at Hoyt's Theatre, beginning on September 2.

Mrs. Agnes Booth is now in this city rehearsing the title part in "The Sporting Duchess," which is

Southerland, Miss Lily Brug and Miss Elita Proctor Otis.

The Liliputian company, under the management of Carl and Theodor Rosenfeld, will open a two months' engagement at the Friedrich Wilhelmstädtische Theatre, in Berlin, on August 30. The company will not return to this country this season, the Messrs, Rosenfeld having booked the same in other German cities and in Austria. The company will be seen here again in the season of 1866-97.

John Slocum is daily rehearsing his "Trilby" company, preparatory to beginning his season and that of the Harlem Opera House on Monday night, September 2. eptember 2. Julian Magnus, Miss Marie Wainwright's manwith the Love Chase." She will alternate it with "Daughters of Eve," in which she played all last winter.

"Daughters of Eve," in which she played all last winter.

The Tavary Grand Opera Company will open Colonel Sinn's new Montauk Theatre, in Brooklyn, on the evening of Monday, September 16, with a production of Wagner's "Flying Dutchman."

Thomas Q. Seabrooke will begin his tour, under the management of James Jay Brady, at the Park Theatre, Boston, on September 9. The first comedy in which he will appear is "A World of Trouble," by Harry and Edward Paulton.

"The Great Diamond Robbery" will have an elaborate production at the Anerican Theatre on September 2. The management has provided elaborate and costly accessories. Scenery has been painted by Hoyt, Marsden, Clare and Albert. The

HE COMES ACROSS THE SEA!

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JOHN BULL, HE COMES ACROSS THE SEA— A WELCOME WARM WE TENDER TO HIM AND TO VALKYRIE III. BUT WE'VE GOT OUR DEFENDER! VALKYRIE III. AS WE HAVE RECKONED, WILL HAVE A CHANCE TO COME IN-SECOND.



actors and actresses include W. H. Thompson, Odel Williams, Byron Douglass, Joseph Whiting, Orrin Johnson, Ben Graham, Nell Warner, C. B. Hawkins, Joseph Wilkes, Joseph Bevens, Augustus Franko, Miss Blanche Walsh, Miss Katherine Gray, Miss Ellen Cummings, Mrs. Annie Yeamans and Mme. Janauschek.

The date for the opening of F. C. Whitney's new operetta, "The Bathing Gir.," is settled for September 2 at the Fifth Avenue Theatre. The work is by Messra. Coverley and Hughes, and was first produced by Whitney's "Fencing Master" company in San Francisco last season.

Alma Webster Powell, a young American, has made her first appearance as a prima donna at Frankfort-on-the-Main. The critics praise her technique, and marve: that she should sing the part of the Queen of the Night in "The Magic The second season of the Della Four Course."

part of the Queen of the Night in 'The Magic Flute.'

The second season of the Delia Fox Opera Company begins on Thursday night, August 29, instead of September 2, at Paimer's. The new opera has been called 'Fleur de Lys' and is in three acts. It has been adapted from the French of Chivat and Duru, the text and lyrics being by J. Cheever Goodwin and the music by William Furst. The costumes were made by Dazian and the scenery was painted by Marsden. The opera is to be staged by Richard Barker. The principal members of the company are Jefferson De Angelis, A. C. Wheelan, Charles J. Campbeil, Melville Stewart, Charles Dungan, Edward Knight and Misses Ida Fitzhugh, Kate Uart, Ela Aubry, Laura Wainsford and Delia Fox. Leon Margulles, who managed Waiter Damrosch's German opera season last winter and will also have charge of the one promised for the coming winter, has just returned from Europe, where he has been attending to business in relation to his and Mr. Damrosch's plans. He announces the reengagement of Max Alvary to sing leading tenor parts with the company. At the time he went away it was not understood that Herr Alvary would be engaged for next season. Most of the plans have already been announced.

### ARMY NOTES OF INTEREST.

gill, Fritz Young and Miss Sells, Brooks, Denton and Ossman, the sisters Baumont, the Rogers brothers, Miss Maude Raymond, Post and Hayes, Press Eldridge, Miss Pauline Von Arnold, the Judge brothers, and Miss Emma Krause, The usual concert will be given this evening.

Charles Dickson will present at Hoyt's Theatre to-morrow evening a new comedy, called "Other People's Money," by Edward Owings Towne, the head of Mr. Dickson's "discoveries," On this ocasion he will act an eccentric character part, that of a millionaire Chicago Board of Trade man. His company includes Thomas M. Hunter, Gustav Yorke, Alonzo Stevens, Miss Lillian Burkhart, Miss Helen Tracy and Miss Georgia Weiles.

Not since its foundation, it is said, has the Eden Musee had so prosperous a summer season. Every Resaca, Georgia, May 14, 1864. This proves that reward comes to him who waits, but Captain Sladen has waited a long time.

> Honors also come to those in active life, and they have to wait, too, under the present experience of slow promotion. The retirement of Colonel Winthrop as Assistant Judge-Advocate-General made a vacancy to which Lieutenant-Colonel Thomas F. Barr has been promoted. Colonel Barr recently delivered an interesting address at Vine-yard Haven, Mass., the occasion being the opening of a public library. He is now second in rank in the corps, and will probably succeed Brigadier-General Lieber as Judge-Advocate-General when General Lieber retires on May 21, 1901. This will give to Colonel Barr the rank and title of brigadier-general before he reaches the retiring age on November 18,

Senator John M. Thurston and Captain William H. Beck, of the 10th Cavalry, and acting as Indian Agent of the Winnebagoes in Nebraska, have had an interchange of opinions that may be heard from later. It appears that a delegation of Nebraska Congressmen called upon Captain Beck to investigate him, and Captain Beck asserted that he did not recognize their authority, as he was responsible to the Secretary of the Interior and Se retary of War only. When one of the delegation harged the captain with not telling the truth in reply to questions, he jumped up and excitedly re-"You get out of here; this is my office; I will not have you in it. Get out before I have you thrown out." To this Senator Thurston re-To this Senator Thurston responded: "I wish to know whether or not this delegation, representing a majority of the Nabraska Congress delegation, is to proceed without a repetition of such scenes as the one we have out right-the right of American citizens to know how their own affairs are being conducted-I for one am ready to retire at once." The captain repeated in an excited manner that he did not recog nize the authority of the delegation; that it was not a committee empowered to act, and that it had no right to investigate him. Then Mrs. Beck, who had been acting as a sort of advisory counsel to her husband, arose, and, without addressing the delegation, referred to Senator Thurston as an insolent man and an insulting meddler. Officers are anxious to know what will be the final outcome

A cadet undergoing his final examination at West Point recently has cause for congratulation that a woman can tell a lie under certain circumstances. Every cadet knows that four marks against him render him liable to dismissal. The one alluded to had three discredits to his record, and another would have lost him his commission. One of the strictest rules at West Point forbids the smoking of cigarettes, and as the yourssters have no pockets, those who smoke find the inside band of the cap a good hiding piace for the cigarettes. When the cauet raised his cap in salute to a passing officer a cigarette fell to the ground. The officer caught sight of it and declared that he should report the infraction of the rule. A Michigan girl standing by stepped up and in a haughty tone said: "That is not his cigarette, it is mine. I know it is a shameful thing for a young woman to smoke, but lots of girls do it, and I must confess to my own disgrace rather than have this young man punished." The cadet was not reported, but received his parchment diploma the next day. A cadet undergoing his final examination at West

Brigadier-General Morgan, chief of the Commissary Department, has a proposition to lay before the next Congress which meets with the general approval of officers. But it asks for an appropriation, hence Congress may not be so ready to give favorable action to the scheme. He proposes that each officer shall be served with rations and be supplied with one servant, but if the officer shall be in command of four companies or more, then he may be supplied with two servants. The need of some such provision has been apparent to the officers for some time, but to put it into operation requires legislation and an appropriation.

The report that the War Department had slighted General W. S. Rosecrans by not inviting him to accept courtesies due to him in the ceremonies attending the dedication of the Chickamauga Battle Park is denied by the National Park Commission. It is declared that his physicians had said that a trip from Los Angeles, Cal., to Tennessee would be fatal to him, hence they would not permit him to go.

The quarters at Fort Crook are to be ready for occupation on September 15, and it now seems probable that the troops at Fort Omaha, which is to be abandoned, will be sent to the new post

WILLIAM R. STEWART'S GIFT. A WINDOW FOR THE CHURCH OF THE ASCENSION.

IT IS IN MEMORY OF JULIA RHINELANDER-THE

SCRIPTURAL PASSAGE WHICH IT A colored glass window has just been given to the

Church of the Ascension, Fifth-ave, and Tenth-st., by William R. Stewart, in memory of Julia Rhine lander. It forms a pictorial illustration of the fol-lowing words of St. Matthew:

"In the end of the Sabbath, as it began to dawn toward the first of the week, came Mary Magdalene and the other Mary to see the sepulchre. And, behold, there was a great earthquake, for the angel of the Lord descended from Heaven, and came



JULIA RHINELANDER MEMORIAL WINDOW. CHURCH OF THE ASCENSION.

and rolled back the stone from the door and mat upon it. His countenance was like lightning and his raiment white as snow. And for fear of him the keepers did shake and became as dead men. And the angel answered and said unto the women, 'Fear not ye: for I know that ye seek Jesus, which was crucified. He is not here, for he is risen, as he said. Come, see the place where the Lord lay. And go quickly and tell his disciples that he is risen from the dead; and behold, he goeth before you into Galilee; there shall ye see him; lo, I have

The angel speaking to the woman is represented in a most reverential and spiritual figure, while the pose, garments and radiating light are all suggestive of an inhabitant of the celestial country rerealing himself to the faithful women. The Marys versing nimself to the latitude women, are grouped on one side and in front of the angel. One of the Marys is apparently so overpowered with the majesty of the scene as to fall upon her knees, while the other, filled with awe, is holding one hand upon her bosom and with the other shading her eyes from the refuigence of light emanating from the angel. The background is composed of lilies and trees, which in their turn are grouped against an early morning sky. Many of the handsome effects exhibited in this window have been atained by the use of Tiffany favrille glass, a new form of material which has evolved from a careful study of the chemistry of the subject. The window was designed by Frederick Wilson and made by the Tiffany Glass and Decorating Company. The formal unveiling will take place upon Mr. Stewart's return from Europe.

BY THE LAKESIDE AT CANANDAIGUA. Canandaigua, N. Y., Aug. 17 (Special).-The following people are now at Seneca Point Hotel: Mise Hier and Miss Moses, Syracuse; Mrs. Burges, Charles H. Babcock, H. L. Carpenter, H. P. Tiffany, S. V. Lines, Rochester; Mr. and Mrs. W. H. Lewis, Syracuse; Mrs. J. H. Chase and Miss Eva Chase, Rochester; Mr. and Mrs. H. A. Morgan, Indianapolis; Mr. and Mrs. A. H. Gluck, New-York; Mrs. F. A. Crump and Mrs. Joseph Crump, Asbury Park, N. J.; W. H. Stewart, H. V. Clark, Mrs. Maurice Leyden, H. A. Williamson, J. Cham-

berlain, jr., Rochester, The Board of Supervisors of Ontario County held its annual picnic at Seneca Point on the 15th. Marvin I. Greenwood, of Newark, was the speaker of the day. There were 232 people at dinner, and the first ripe grapes of the season were served from the famous vineyards for which Canandaigua Lake is famous.

NOTES FROM NEW-BEDFORD.

New-Bedford, Aug. 17 (Special).-The Portuguess residents of this city, who number about 6,000, cele-brated the anniversary of the birth of St. Antonio Thursday by a parade, banquet and speeches. large number of visitors came here from surround-ing cities.

Rufus A. Soule has announced himself as a candi-date for State Senator, to fill the vacancy left by the retirement of President Butier.